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September 20, 2004

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

RE: Docket No. E-01345A-04-0657

To Whom It May Concern:

Enclosed is Arizona Public Service Company's ("APS") Response to the Complaint in the above referenced matter.

If you or your staff have any questions, please feel free to call me.

Sincerely,

Jana Van Ness  
Manager  
Regulatory Compliance

JVN/vid

Arizona Corporation Commission

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**Attorneys for Respondent Arizona Public Service Company**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

14 MARC SPITZER, Chairman  
15 WILLIAM A. MUNDELL  
16 JEFF HATCH-MILLER  
17 MIKE GLEASON  
18 KRISTIN K. MAYES

17 AVIS READ; individually,  
18 on Behalf of All Others Similarly Situated,

19 Complainant,

20 vs.

21 ARIZONA PUBLIC SERVICE  
22 COMPANY,

23 Respondent.

DOCKET NO:

**ARIZONA PUBLIC SERVICE  
COMPANY'S RESPONSE TO  
COMPLAINT**

24 Respondent Arizona Public Service Company ("APS") responds to the  
25 Complaint filed by Claimant Avis Read ("Read" or "Claimant") and admits, denies  
26 and alleges as follows:  
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3                   **PRELIMINARY STATEMENT**

4           The claims of the Complaint are without merit and the premise upon which the  
5 Complaint is based -- i.e., that APS has intentionally over-estimated electric charges  
6 or otherwise used improper estimating procedures -- is totally unfounded and contrary  
7 to the established facts. Despite the inflammatory rhetoric of the Complaint, the truth  
8 is that Claimant and her attorneys, after two years of litigation in the Superior Court,  
9 have failed to establish any meaningful support for these claims. Indeed, the facts  
10 show that the estimated bills that were sent to Ms. Read (which were necessary  
11 because she prevented access to her electric meter) consistently **underestimated** the  
12 amount of electricity consumed at her home.<sup>1</sup>

13           Bill estimation is a complex issue that varies by utility, by rate, by geography  
14 and by individual customer. And the issues raised by the Complaint (and by APS's  
15 earlier Application to the Commission) will affect not just APS, but every electric  
16 utility regulated by the Commission. APS is obligated to bill for service monthly, and  
17 the Commission regulations contemplate that bills shall be estimated when an actual  
18 read of the customer's meter cannot be obtained. APS has no incentive to  
19 overestimate charges when it renders an estimated bill because APS will always  
20 adjust the charges whenever it is possible to obtain an actual meter read or when an  
21 estimate is deemed to be too high. On the other hand, APS strives to make its  
22 estimating procedures as fair and accurate as reasonably possible so that customers  
23 who prevent their meters from being read do not profit from doing so (at the eventual  
24 expense of other customers).

25           There are no state or federal bill estimation standards, and the Commission's  
26 regulations relating to bill estimation are quite general. Nevertheless, APS believes  
27 that it has kept those members of the Commission Staff who are involved in handling

28           <sup>1</sup>       The same is true for the estimated bills sent to the other Plaintiffs in the  
Superior Court action -- the Schaeferes -- who are not named in the Complaint filed in  
the ACC.

1 inquiries and complaints informed of APS' bill estimation procedures and has sought  
2 clarity regarding bill estimation. The fact that APS has sought to improve its bill  
3 estimation practices over time through changes and refinements in its estimating  
4 practices and procedures does not mean that previous practices and procedures were  
5 wrong. The very nature of bill estimating requires periodic refinement to make the  
6 estimating process and procedures as efficient, fair and reasonable as possible. APS  
7 has acted in good faith to do exactly that.

8 APS's estimating procedures, although somewhat refined in recent years, are  
9 not new and have been well known to the Commission. (See, e.g., *Ciccone Decision*,  
10 *ACC Docket No. U-1345-96-162 (Dec. 10, 1996)*, in which the Commission  
11 addressed at some length the estimating procedures used by APS "to estimate  
12 customer's demand when it is unable to read a customer's meter for some reason.").

13 As the Commission stated in *Ciccone*:

14 "APS has a computer program which it uses to estimate customer's  
15 demand when it is unable to read a customer's meter for some reason.  
16 The computer program estimates a customer's kW demand based on the  
17 customer's actual kWh usage, his previous months' usage, and kW  
18 demand readings for other customers with similar kWh usage. . . . We  
19 believe that APS's computer program, which is based on actual data of  
20 Mr. Ciccone's usage patterns and usage of other similar customers,  
21 results in a more accurate estimate of Mr. Ciccone's actual demand  
22 during the period when APS failed to reset the meter."

23 Since 1996, APS had modernized its computer program and has attempted to use  
24 updated customer information whenever possible, but has otherwise continued to  
25 estimate bills (when necessary) in essentially the same manner discussed and found  
26 reasonable in *Ciccone*.

27 The few internal APS e-mails referenced by Claimant in her Complaint as  
28 supposedly indicating that APS's estimating procedures are "ad hoc" and "arbitrary"  
in nature have been taken out of context, have been greatly exaggerated, and totally  
ignore the contrary statements and explanations provided under oath by the persons  
who authored those e-mails. Indeed, after two years of litigation and numerous

1 depositions of APS personnel, Claimant's attorneys have no factual support for their  
2 unfounded accusations that APS's estimating procedures are "ad hoc," "arbitrary," or  
3 unfair.

4 APS submits that this Complaint -- which began as an action in Superior Court  
5 but was then dismissed by the Superior Court after the Court denied class certification  
6 -- is contrary to what the Superior Court contemplated when it dismissed the case  
7 "without prejudice" on primary jurisdiction grounds. The Superior Court recognized  
8 that the claims in that action (as they are here) were based almost entirely on the  
9 contention by Claimant and her attorneys that the 1998 amendment to A.A.C. R14-2-  
10 210(A)(5) -- part of the electric utility deregulation amendments that have been  
11 declared unlawful by two courts -- allegedly made **all** estimated bills rendered by APS  
12 (and by all other regulated electric service providers in Arizona) since January 1,  
13 1999, unlawful (thereby requiring APS to provide those customers with free  
14 electricity) because the estimating procedures had not been approved by the  
15 Commission. In essence, Claimant and her attorneys sought to take advantage (as  
16 they do here) of an unintended consequence of the 1998 amendment to Rule  
17 210(A)(5) which for the first time discusses having estimating procedures approved  
18 by the Commission.

19 In response to those arguments by Claimant's attorneys, APS argued in the  
20 Superior Court that the 1998 amendment (which contemplated further action by the  
21 Director of the Utility Division before it could be implemented and which was  
22 invalidated by the Arizona Court of Appeals decision earlier this year in the *Phelps*  
23 *Dodge* case) surely could not have been intended to immediately invalidate existing  
24 estimating procedures used by incumbent Arizona utilities. APS also responded to  
25 Claimant's arguments in the Superior Court by filing its Application with the  
26 Commission (dated October 22, 2003, and later amendments) (ACC Doc. No. E-  
27 01345A-03-0775) seeking clarification from the Commission regarding the  
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1 applicability of amended Rule 210(A)(5). Because of the pendency of that  
2 Application before the Commission, the Superior Court (after two years of litigation  
3 and after denying the request by Claimant's attorneys for class certification)  
4 dismissed the case to allow the Commission to rule **on the pending Application** in  
5 the first instance. In short, the pending Application filed by APS in October of last  
6 year -- not the Complaint filed recently by Claimant -- is what first prompted  
7 Commission action on these issues. And, as contemplated by the Superior Court,  
8 resolution of the issues raised by that Application must necessarily precede any  
9 consideration of the claims asserted by Claimant (assuming any claims remain).

10         Indeed, given the history of the Superior Court action in which APS produced  
11 thousands of pages of documents to Claimant's attorneys and permitted numerous  
12 depositions of APS officers and employees regarding its estimating procedures, APS  
13 submits that the filing of this Complaint in the Commission -- with its inflammatory  
14 and unfounded rhetoric, its previously rejected class certification request, its failure to  
15 acknowledge that Claimant has not been damaged, and its failure to acknowledge the  
16 pending APS Application to the Commission -- speaks volumes about why the  
17 Commission should not take the allegations of the Complaint at face value. By its  
18 very nature, bill estimating is not perfect, but the extensive discovery in the Superior  
19 Court action demonstrated and confirmed that APS has acted in good faith -- as the  
20 Commission itself acknowledged in 1996 in the *Ciccone* decision -- to use estimating  
21 procedures that are fair and reasonable when a bill must be estimated.

22         In sum, APS strongly disagrees with the allegations of the Complaint, and APS  
23 stands ready to defend the propriety and reasonableness of its estimating procedures --  
24 both as they apply to Claimant Read and to its customers generally. Set forth below is  
25 a more detailed and specific response to each of the allegations of Claimant's  
26 Complaint.  
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**SPECIFIC RESPONSES TO COMPLAINT**

1. Responding to paragraph 1 of the Complaint, class certification is not proper in this matter, as set out more fully in response to ¶¶ 87-94 below. Moreover, in the Superior Court case brought by Read, Maricopa County Superior Court Judge Rebecca Albrecht denied Read's motion for class certification because the Court determined (after extensive briefing and oral argument) that individual issues relating to liability and damages predominated because liability and damages could only be determined by separately analyzing the accounts of each customer. *See* Doc. Prod. Nos. APS0505848-49.<sup>2</sup> In addition, APS denies that the Commission has jurisdiction to grant class certification as requested by Read. In further response to paragraph 1, APS contends that its estimating and billing procedures on demand account (as well as other customer accounts) are entirely proper, as described more fully in ¶¶ 12-19, 67-70, 75-76 below.

2. In response to paragraph 2, APS denies that it has overcharged Read for estimated electrical usage or demand, and APS denies that it has intentionally or systematically overcharged any other customer who has received a bill that estimates electrical usage or demand. APS also denies that it arbitrarily invented its estimating procedures. (*See* ¶ 19.) Moreover, APS denies that it bills estimated demand readings as if they were actual readings of demand for the month being billed. (*See* ¶¶ 12-19, 67-70 and 75-76.) Finally, APS contends that APS' procedures for bill estimation either comply with or are exempt from or the requirements of A.A.C. R14-2-210 and A.A.C. R14-2-1612, as more fully set forth in ¶¶ 20-23 below.

3. In response to paragraph 3, upon information and belief, Avis Read is an APS electric customer who resides at 6826 E. Solcito Lane, Paradise Valley, Arizona. During the period from January 1, 1999 through July 16, 1999, Read did

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<sup>2</sup> As used herein, "Doc. Prod. Nos." refers to the bates numbers of the documents produced by APS to the Commission Staff on September 13, 2004, in response to the Staff's data requests to APS dated September 3, 2004.

1 have an APS account that included a demand component at 6702 E. McDonald,  
2 Phoenix, Arizona (Account # 361330282, Meter # 906893). Read's account at  
3 6826 E. Solcito Lane, Paradise Valley, Arizona (Account #361330282, Meter  
4 #A93326), however, is billed on a non-demand rate only. As described more fully in  
5 ¶ 25, neither Read nor any other APS customer who receives a bill that estimates  
6 usage for a non-demand account can pay for more energy than was actually used once  
7 an actual read is obtained because the total electric usage on bills for non-demand  
8 accounts reflect actual consumption once a read of the meter is obtained.

9 4. APS admits the allegations of paragraphs 4 and 5.

10 5. Responding to paragraph 6, APS is required by A.A.C. R14-2-210(A) to  
11 bill its electric customers on a monthly basis. APS offers its customers a number of  
12 billing rates from which to choose. An important distinction between those rates are  
13 the bases on which they are calculated -- consumption and demand. "Demand rate"  
14 accounts use both components. Consumption, or "kWh" (kilowatt hours), is the total  
15 amount of electricity that a customer has used during that billing cycle. KWh is the  
16 initial factor in the amount of the bill received by APS' customers. Demand, or "kW"  
17 (kilowatt), on the other hand, is the peak electric capacity consumed during a  
18 one-hour period in that billing cycle for residential accounts and a fifteen-minute  
19 period for commercial accounts. Kilowatt hours (kWh) and kilowatts (kW) are both  
20 billed at certain rates, and those line items are then totaled, resulting in a sum owed to  
21 APS for electrical use during that billing period. APS denies, however, that electric  
22 meters must be read every month to properly assess the number of kilowatt hours  
23 consumed by APS' customers. (*See, e.g.,* ¶ 25 below.)

24 6. Responding to paragraph 7, APS admits that it provides a variety of  
25 billing plans to its customers. APS offers rate plans that take into account when and  
26 how much energy is used at one time; that the demand portion of the bill is a charge  
27 based upon the electric capacity used in any 60-minute period for a residence or  
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1 15-minute period for a business during a billing period; and that this cost structure is  
2 designed, in part, to encourage customers to spread out electricity usage. As with  
3 other APS metered accounts, for accounts that have a demand component on their  
4 bill, APS's goal is to obtain an actual read for all meters each month. There are,  
5 however, a number of factors that may prevent APS from obtaining access to a  
6 customer's meter, including a locked or inaccessible gate, the presence of a dog,  
7 vegetation obstructing the view of the meter, or lack of access to the home itself.  
8 When APS is unable to access a customer's meter, APS attempts to estimate a  
9 customer's demand usage, as fairly and accurately as possible.

10 7. Responding to paragraph 8, it is impossible for APS, or any other  
11 utility, to conclusively determine, after the fact, the demand component of a  
12 customer's monthly usage. As described below in ¶¶ 16-18 and 75-76, as of March or  
13 April 1999, if a customer receives a bill that contains estimates for two consecutive  
14 months, the APS computer billing system creates a billing exception. The billing  
15 exception requires that account to be reviewed by a billing representative who  
16 manually calculates the bill based on that customer's account history and peak  
17 demand of other customers with similar kWh usage, and/or requests that a meter  
18 reader again attempt to obtain an actual read of the meter.

19 8. In further response to paragraph 8, when APS does in fact obtain an  
20 actual read after sending out an estimated read, the computer billing system creates a  
21 billing exception if the system determines that the demand component of the previous  
22 estimated reads was too high. (For instance, if APS estimated the demand portion as  
23 10, but the actual demand read following that estimated bill was 8, CIS would create a  
24 billing exception when the bill that included the demand read of 8 was generated.)  
25 Again, the billing exception requires that account to be reviewed by a billing  
26 representative. If the billing representative determines that the estimated demand was  
27 too high based on the read, the billing representative would make the appropriate  
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1 refund to the customer by adjusting the current month's bill to reflect the credit for the  
2 over-estimate the previous month.

3 9. Responding to paragraph 9, APS denies these allegations. APS attempts  
4 to properly and fairly bill its customers for the electricity that they have used, and to  
5 do so pursuant to applicable regulations, rates and procedures.

6 10. Responding to paragraph 10, APS denies these allegations. *See*  
7 ¶¶ 12-25, 67-70, 75-76 and 80-85 below.

8 11. Responding to paragraph 11, APS denies that it has violated laws in  
9 estimating demand for its customers who have demand accounts, and APS  
10 specifically denies that it has violated the portions of A.A.C. R14-2-210 quoted in  
11 Paragraph 11.

12 12. Responding to paragraph 12, APS denies these allegations. Prior to  
13 September 14, 1998, APS generated bills using a computer system commonly referred  
14 to as "old CIS." When estimated bills were necessary, the old CIS estimated both  
15 consumption (kWh) and demand (kW) based on a customer's individual account  
16 history. Consumption was estimated based on the customer's usage during the same  
17 month of the previous year and the amount of usage during the preceding two months  
18 of the same year. Demand was estimated by applying a "load factor," a number  
19 calculated by averaging kW of the two previous months, the same month of the prior  
20 year, and peak demand of other customers with similar kWh usage to the estimated  
21 consumption.

22 13. The old CIS did not automatically send estimated bills to demand rate  
23 customers. Instead, bills with a demand component that required estimates under the  
24 old CIS triggered what is referred to as a "billing exception." A billing exception  
25 caused that customer's account to be sent to a billing representative in APS's Billing  
26 Department. At that point, the billing representative could either (1) use the estimated  
27 numbers calculated by the old CIS; or (2) if the CIS data appeared to be insufficient,  
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1 manually calculate the consumption and/or demand estimates based on that  
2 customer's account history and peak demand of other customers with similar kWh  
3 usage; and/or (3) request that a meter reader make another attempt to obtain an actual  
4 meter read.

5       14. The estimating procedures used by the old CIS were well known to the  
6 ACC and were addressed and applied by the ACC in several written orders prior to  
7 1998, including a detailed order dated December 10, 1996 in Docket No. U-1345-96-  
8 162 (*Ciccone v. Arizona Public Service Co.*)(“[W]e find 8.9 kW to be the appropriate  
9 demand estimate for the September 1995 bill because it is based on APS's estimation  
10 model which considers such factors as Mr. Ciccone's actual kWh used in September  
11 1995, his previous months' demands, and the peak demand of other customers with  
12 similar kWh usage.”).

13       15. On September 14, 1998, APS began using a new computer system,  
14 which is commonly referred to as “new CIS.” Although the new CIS system has  
15 always been able to estimate consumption (kWh), at its inception and for  
16 approximately the next eight months, the new CIS was unable to estimate demand  
17 (kW). Thus, from September 14, 1998, through late March or early April 1999, if the  
18 new CIS did not have an actual read for the demand number, the system would create  
19 a billing exception for that account. As with the old CIS system, the billing  
20 exceptions caused a billing representative to review the account and calculate the  
21 required estimate. The billing representative could do so by manually calculating the  
22 estimates based on that customer's account history, the peak demand of other  
23 customers with similar kWh usage, or could request that a meter reader make another  
24 attempt to obtain an actual read of the meter if possible.

25       16. In late March or early April 1999 the new CIS was programmed so that  
26 it could estimate demand (kW), as well as consumption (kWh). The new CIS  
27 estimated demand -- as was also done by the old CIS -- using a load factor. Thus, as  
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1 of late March or early April 1999, the new CIS estimated both consumption *and*  
2 demand and automatically sent out bills that contained estimates.

3       17. However, in a number of instances the new CIS still generated a billing  
4 exception for some bills that required estimates (thus requiring the billing  
5 representative to review the calculation or prepare the estimated bills). For example,  
6 if the customer did not have a sufficient history from which to calculate consumption  
7 (kWh), the new CIS would generate a billing exception, requiring a billing  
8 representative to manually calculate the estimates based on the customer's available  
9 account history.

10       18. Although APS has refined the methodology used to provide estimates  
11 on bills to simplify and to better computerize the process, the basic method used to  
12 estimate consumption and demand is essentially the same under the old CIS and the  
13 new CIS systems.

14       19. In further response to paragraph 12, APS denies that its current  
15 estimating procedure was done on an "ad hoc" basis. The new CIS estimates demand  
16 -- which was also done by the old CIS -- using a load factor. As of late March or  
17 April 1999, the load factor was calculated using an average figure based on all  
18 customers in that particular rate class. The load factor was 45% for EC-1 rate  
19 customers (a particular type of demand rate account) and 50% for ECT-1R rate  
20 customers (a second type of demand rate account). In approximately July 2002, APS  
21 lowered the load factor percentage used to calculate estimated demands to 35% for  
22 residential accounts and 50% for non-residential accounts. APS based this change on  
23 its on-going load research regarding the actual load factors of that class of customers.  
24 In all other respects, APS's estimating procedures remained the same.

25       20. In further response to paragraph 12, APS's estimating procedures do not  
26 contradict relevant Regulations and do take into consideration the factors required by  
27 A.A.C. R14-2-210(A)(2). A.A.C. R14-2-210(A)(2) provides that if a utility is unable  
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1 to obtain an actual reading, the utility may estimate the consumption for the billing  
2 period giving consideration, where applicable, to the customer's usage during the  
3 same month of the previous year, and the amount of usage during the preceding  
4 month.

5         21. In further response to paragraph 12, APS was in compliance with or  
6 otherwise exempt from A.A.C. R14-2-210 ("Rule 210") since the amendment of that  
7 Rule in 1998 and should be able to continue using its established estimating  
8 procedures, without any further approval by the ACC, until such time as the Director  
9 of the ACC's Utility Division issues new and different "operating procedures" under  
10 A.A.C. R14-2-1612 ("Rule 1612"), assuming Rule 1612 even applies to incumbent  
11 utilities such as APS.

12         22. In addition, APS's estimating procedures have in fact been approved by  
13 the ACC within the meaning of amended Rule 210, given that the ACC has never  
14 indicated that APS's estimating methods were unsatisfactory when those methods  
15 were outlined to the ACC in connection with other contested hearings and reporting  
16 requirements. *See* ¶ 14 above.

17         23. In addition, Amended Rule 210 and Rule 1612 either (1) are not valid  
18 and enforceable or (2) never actually took effect in light of other events and court  
19 rulings relating to these and other deregulation rules. On January 27, 2004, the  
20 Arizona Court of Appeals affirmed in relevant part a lower court decision invalidating  
21 Rule 1612 (among others). By implication, this ruling would also invalidate the 1998  
22 amendment to Rule 210 upon which Plaintiffs' claims are based. *See Phelps Dodge*  
23 *Corp. V. Ariz. Elec. Power Coop., Inc.*, 83 P.3d 573, 594-95 (App. 2004).

24         24. In response to paragraph 13, APS denies these allegations. As set forth  
25 above, APS's estimating procedures do comply with applicable law and regulations.  
26 Further, its estimating procedures have not resulted in overcharges to its customers.  
27 In fact, quite to the contrary, APS has taken specific steps to ensure that estimates as  
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1 to the demand portion of estimated reads are as fair and accurate as reasonably  
2 possible, as described in ¶¶ 12-19, 67-70 and 75-76.

3         25. In further response to paragraph 13, it is important to note that there is  
4 no evidence of over-estimation of energy usage with respect to non-demand accounts  
5 (such as Avis Read's account at 6826 E. Solcito Lane) because the billing on non-  
6 demand accounts is based on accumulated usage, much like the mileage on a car's  
7 odometer. Therefore, when a bill is estimated, the next bill that is based on an actual  
8 read (when added to the estimated bills), will be a "true up" and reflect the actual  
9 consumption since the last meter read. For example, if the estimate of usage in the  
10 first month was higher than actual usage, the following "true up" bill for month two  
11 will be correspondingly lower than actual usage for month two and the combination  
12 of month one and month two bills will be the actual usage for both months.  
13 Therefore, the customer has only been billed for actual usage. In certain situations,  
14 the actual read falls outside the CIS high/low criteria because the actual read is either  
15 much too low or much too high compared to the previous estimated read. The CIS  
16 then generates a billing exception that is routed to a billing representative who  
17 prepares a corrected bill which redistributes actual energy across the month, or  
18 months, of missing reads in proportion to the number of days in each billing period.  
19 The bill (or bills) for the missing read period(s) is/are adjusted to reflect the prorated  
20 energy, and the customer's current bill is either credited or debited the difference  
21 between the estimated bill(s) and the prorated bill(s).

22         26. In response to Paragraph 14, APS denies these allegations. To the  
23 extent that APS has been able to determine that its report may have contained minor  
24 errors or required further clarification, APS has promptly submitted revised reports to  
25 the ACC.

26         27. In response to paragraph 15, APS denies that its estimating procedures  
27 are illegal and violate applicable law and regulations. Since before 1998, A.A.C.  
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1 R14-2-210(A)(4) has required that, after the third consecutive month of estimating the  
2 customer's bill due to lack of meter access, the utility should attempt to secure an  
3 accurate reading of the meter. APS has always complied with that requirement.

4 28. On September 18, 1995, APS adopted a new "no access" procedure for  
5 residential customers with an access problem in the Metro area. Under that policy, if  
6 the customer service representative determined there was an access problem when  
7 speaking with the customer, the representative could do one of the following: offer  
8 the Info Line number for the customer's meter read office so that the customer could  
9 guarantee that APS would have unassisted access to the meter; offer to send the  
10 customer a read schedule so that the customer will know when to call the Info Line  
11 and find out the days of the month the meter reader will be in their area; or offer an  
12 APS company lock. (See attached **Exhibit A.**)

13 29. Under the 1995 policy, if the customer was unable to provide unassisted  
14 access to the meter, the representative referred the customer to the Meter Read  
15 Section Leader for the customer's read office. The Meter Read Section Leader would  
16 offer one of two options: (1) offer a non-demand time-of-use ("TOU") rate to the  
17 customer when a digital TOU meter could be read over the fence or (2) offer the  
18 customer a non-demand TOU rate and an Access Card (or Pink Card), which would  
19 be mailed monthly to the customer so that the customer could obtain a read and send  
20 the card back in the mail. *Id.*

21 30. In June 2003, APS changed its no access policy to add steps for each  
22 estimated read. This policy is currently in effect, with minor revisions.

23 31. Under the new no-access policy, each month that a Meter Reader is  
24 unable to access the meter for a monthly read, the Meter Reader leaves a door hanger,  
25 indicating the reason he or she could not access the meter, such as "the gate was  
26 locked or inaccessible," "your pet is protecting your home from strangers and would  
27 not allow me to enter your yard," "plants and trees are covering or blocking the view  
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1 of the meter,” or “the path to your meter is blocked or inaccessible.” The door hanger  
2 provides the phone number for the call center and asks that the customer call APS.

3 (See attached **Exhibit B.**)

4 32. Each month that APS is unable to access a meter, Meter Reading  
5 Administration confirms that the Meter Reader left a no-access door hanger; if no  
6 door hanger was left, Meter Reading Administration creates a Meter Access Request  
7 letter to be sent to the customer.

8 33. Under most circumstances, each estimated bill includes a side bill  
9 message in the margin which reads as follows: “\*ALERT/ALERT\* A meter reading  
10 issue exists at your location. Please call us at 602-371-7171 (Metro Phoenix area) or  
11 1-800-253-9405 (other areas).” (See attached **Exhibit C.**)

12 34. In addition, since early 2001 (within metro Phoenix for residential  
13 customers and later modified to include the rest of APS’s customers), in the third  
14 consecutive month of no access, the customer’s account has been downloaded into an  
15 automated dialer, which leaves an automated voice message at the customer’s phone  
16 number (assuming that APS has a good phone number) that informs the customer of  
17 the “no access” problem. The recorded message is as follows: “This is an important  
18 message from APS regarding your electric bill. We have been unable to read your  
19 electric meter for at least three consecutive months; therefore, your billings have been  
20 estimated. Please call us at [relevant number] to resolve this issue and insure that  
21 your future bills are accurate. The number again is [relevant number]. We thank you  
22 in advance for your cooperation on this matter.”

23 35. Meter Reading Administration creates and mails the customer a  
24 postcard on the fourth consecutive month of no access. The postcard instructs the  
25 customer to contact the call center for access solutions.

26 36. By the fifth consecutive month of no access, the customer has received  
27 four door hangers or meter access letters, a dialer call, and a post card. In the fifth  
28



1 month, Meter Reading Administration sends an Active Accounts No Access letter that  
2 instructs the customer to contact the Call Center to obtain access solutions to avoid  
3 interruption of service. The letter informs the customer that APS will disconnect the  
4 customer's service, following the next month's read, if the meter is still inaccessible.  
5 (See attached **Exhibit D.**)

6 37. In the sixth consecutive month of no access, Meter Reading  
7 Administration reviews an account for any indication that the customer has called to  
8 resolve access. If none is found, Meter Reading Administration will attempt to call  
9 any listed daytime phone numbers. If the customer is unreachable by phone, a  
10 disconnect order is generated to Field Services personnel. The serviceman makes one  
11 more attempt to access the meter before service is disconnected.

12 38. Responding to paragraph 16, APS admits that for some short period, the  
13 CIS system did not create a billing exception after a customer had received a second  
14 consecutive bill for estimated reads. However, once the problem was discovered,  
15 APS took immediate steps to ensure that such a billing exception was created. In  
16 addition, even when there was no billing exception, APS still attempted to obtain an  
17 actual read for each meter. As outlined above, customers with non-demand accounts  
18 who received bills for estimated reads are billed for actual total kWh usage once an  
19 actual read is obtained. In addition, APS' estimating procedures for customers with  
20 demand accounts are designed to provide as fair and accurate an estimate as possible  
21 when an actual meter read cannot be obtained.

22 39. Answering paragraph 17, APS admits that in an APS informational  
23 brochure entitled "At Home with APS," APS stated that "APS operations are in  
24 compliance with all applicable regulations pursuant to the rules of electric  
25 competition (Article 2 Electric Utilities R14-2-201 through R14-2-212 and Article 16  
26 Retail Electric Competition R14-2-1601 through R14-2-1618) except where APS has  
27  
28

1 been granted ACC waivers.” APS denies the remaining allegations in paragraph 17 of  
2 the complaint.

3 40. Answering paragraph 18, this paragraph refers to Avis Read’s account  
4 at 6826 E. Solcito Lane, Phoenix, Arizona (Account #361330282, meter #A93326).  
5 That account is a non-demand account. As set forth above in ¶ 25, non-demand  
6 customers who receive bills for estimated kWh reads are billed for actual total kWh  
7 usage once actual reads are obtained and because estimated bills may be adjusted  
8 once a meter read is obtained. Thus, APS denies that Avis Read was damaged by  
9 receiving bills for estimated reads for her non-demand Solcito account, meter  
10 #A93326. In addition, in those instances in which APS was unable to read the meter  
11 for the Solcito account, that occurred because Avis Read locked the access gate and  
12 did not permit APS to access the meter.

13 41. Further answering paragraph 18, APS denies that applicable regulations  
14 prohibit APS from sending Read (or any other APS customer) bills for estimated  
15 reads for more than three consecutive months. In reality, A.A.C. R14-2-210(A)(4)  
16 states:

17 After the 3<sup>rd</sup> consecutive month of estimating the customer’s bill due to  
18 lack of meter access, the utility or Meter Reading Service Provider will  
19 attempt to secure an accurate reading of the meter. Failure on the part  
20 of the customer to comply with a reasonable request for meter access  
may lead to discontinuance of service.

21 Nothing in A.A.C. R14-2-210(A)(4) prohibits a utility from continuing to send the  
22 customer estimated bills if access to the customer’s meter cannot be obtained. Indeed,  
23 the alternative of immediately terminating electric service would be far more  
24 disruptive and expensive for the customer.

25 42. As set forth above in ¶¶ 28-37, that is precisely what APS attempts to do  
26 -- secure an accurate reading of the meter -- each month that a bill is estimated, both  
27 before and after the third month. Indeed, where meter access issues require a bill to  
28 be estimated, the customer is better off receiving an estimated bill than having service

1 terminated. For this reason, APS seeks to minimize disruption and inconvenience for  
2 the customer even when APS has the right to terminate the customer's electric service  
3 due to the customer's repeated refusal to provide meter access.

4 43. In further response to paragraph 18, APS did attempt to secure an  
5 accurate reading of Avis Read's Solcito non-demand account (meter #A93326), as  
6 required by A.A.C. R14-2-210(A)(4). APS connected this account for Ms. Read on  
7 March 3, 1999. For March, April and May 1999, APS sent Read a bill based on  
8 actual usage. From June through August 1999, the access gate to Read's meter was  
9 locked, and APS sent her a bill for estimated reads for these periods.

10 44. For the period from September 1999 through January 2000, APS could  
11 not obtain access to Read's meter when APS attempted to read the meter each month.  
12 However, because of problems with the new computer system at APS, APS did not  
13 send Read a bill for these months until February 2000. On January 5, 2000, however,  
14 APS sent Read a letter listing her 2000 Meter Reading Schedule.

15 45. On February 24, 2000, APS sent Read a bill for an estimated read  
16 because the access gate was locked when the meter reader attempted to read it. (This  
17 bill also included estimated charges for September 1999 through January 2000.) On  
18 the same day, APS sent a postcard to Read for account #361330282 and advised her  
19 that the read on her current month's bill was estimated because the meter reader was  
20 unable to access her meter due to a locked or broken gate. The postcard also asked  
21 Read to read her electric meter and mail back the postcard with the readings.

22 46. On March 2, 2000, APS also sent Read a letter, advising her that the  
23 meter reader could not access her meter because the access gate was locked, and  
24 asking Read to call APS. Read apparently did call APS with a meter read on  
25 March 3, 2000.

26 47. On March 7, 2000, APS sent Read a corrected bill for Read's December  
27 1999 and January and February 2000 charges. On March 27, April 26, May 25 and  
28

1 June 26, 2000, APS estimated Read's electrical usage because the access gate was  
2 locked every month when the meter reader attempted to access Read's meter.

3 48. On March 30, May 1 and June 1, 2000, APS sent letters to Read,  
4 advising her that the meter reader was unable to access her meter because the access  
5 gate was locked. APS stated that APS needed to be able to read her meter every  
6 month to provide her with an accurate bill, and asked Read to call APS to discuss  
7 possible options. Read never responded to the letters.

8 49. On July 19, 2000, APS was able to access Read's meter, and sent her a  
9 bill July 25, 2000 reflecting the charges for her actual electrical usage. In August  
10 2000, APS was again unable to access Read's meter. However, APS records reflect  
11 that on September 5, 2000, Read called to discuss the meter access issue but was  
12 unable to obtain a meter read at that time. On September 11, 2000, APS then sent  
13 Read a bill for an estimated read for the August charges.

14 50. For the next three months, APS was able to access Read's meter and  
15 sent her bills on September 22, October 23, and November 22, 2000, that reflected  
16 actual usage by Read. The December 27, 2000 and January 29, 2001 bills were again  
17 for estimated reads because the access gate was locked when the meter reader  
18 attempted to read the meter.

19 51. On January 29 and February 27, 2001, APS again sent a postcard to  
20 Read asking for a manual reading of her electric meter. On March 6, 2001, APS  
21 received one of the cards back from Read, which included a manual meter read. On  
22 March 6, 2001, APS then sent Read a corrected bill for her service from December  
23 2000 through February 2001 which reflected the updated meter read that she had  
24 provided.

25 52. APS then was able to access Read's meter, and the APS March 27 and  
26 April 25, 2001 bills to Read reflect actual meter charges. However, APS was then  
27 unable to access Read's meter because of a locked gate, and the APS bills dated  
28

1 May 25 and June 26, 2001, estimated Read's charges. On May 25 and June 26, APS  
2 sent Read a postcard, telling her that APS was forced to estimate her bills because the  
3 access gate was locked, and asking for a manual meter reading. On June 28, 2001,  
4 Read provided APS with a manual read, and on July 12, 2001, APS sent Read a  
5 corrected bill for her May and June charges.

6 53. On July 26, 2001, APS sent Read a bill for an estimated read because  
7 the access gate to the meter was locked. In addition, on July 26, APS sent Read a  
8 postcard stating that the meter could not be read because the gate was locked and  
9 asking her to provide APS with a manual read. On July 30, 2001, Read called APS  
10 and provided a manual meter read. On August 2, 2001, APS then sent Read a  
11 corrected bill for her July service.

12 54. On August 24, 2001, APS again sent Read a bill for an estimated read  
13 because the access gate to the meter was locked. APS also sent Read a postcard on  
14 the same date stating that the meter could not be read because the gate was locked and  
15 asking her to provide APS with a manual read. Read did not respond to this request.  
16 In September, however, APS was able to access the meter and billed Read for this  
17 reading on September 24, 2001.

18 55. In October, November and December 2001, APS was unable to access  
19 Read's meter and therefore estimated her charges on the October 24, November 28  
20 and December 28, 2001 bills. APS sent a letter to Read on November 2, December 5,  
21 December 13 and December 21, 2001, advising her that APS could not read her meter  
22 because the access gate was locked and asking her to call APS. On December 28,  
23 2001, APS sent a postcard to Read, advising her for a fourth time that month that APS  
24 could not access her meter. Read did not mail back the postcard with the requested  
25 manual reading, or respond to the letters.

26 56. APS sent Read a bill for an estimated read on January 30, 2002, because  
27 the access gate was locked. APS also sent a postcard to Read requesting a manual  
28

1 meter reading on January 30, 2002. Read did not respond. Read's meter was read in  
2 February 2002, and the February 26, 2002 invoice reflected actual charges. The  
3 March 27, 2002 bill was for an estimated read because the access gate was locked  
4 when the meter reader sought to read the meter that month. However, the April  
5 through July 2002 bills to Read reflect an actual read of her meter. Payment in full  
6 was received on August 16, 2002.

7       57. For the months of August 2002 through April 2003, the APS bills to  
8 Read reflect an actual read of her meter. The May 20, 2003 meter read was estimated,  
9 however, because the access gate was locked. On June 4, 2003, APS sent a postcard  
10 to Read advising her that APS could not access her meter. The APS June, July and  
11 August 2003 bills to Read reflect an actual read of her meter. The APS bills for this  
12 account from September 2003 through January 2004 were based on actual reads. In  
13 February 2004, APS sent Read a bill based on an estimated read because Read's gate  
14 was locked. APS also left a door hanger on Read's door indicating that APS was  
15 unable to read her meter because of access problems.

16       58. All billings for Read's account since February 2004 (through the current  
17 date) were normal reads and were not estimated.

18       59. In response to paragraph 19, APS denies that APS' estimations of  
19 Read's energy consumption were erratic and tended to result in higher bills. Once an  
20 actual read was obtained on Ms. Read's Solcido account, APS was able to determine  
21 conclusively the actual usage that had occurred since the last actual read and then  
22 adjusted the previous bills for estimated reads accordingly. These adjustments tend to  
23 indicate that Ms. Read's estimated bills generally underestimated her actual usage.

24       60. In further response to paragraph 19, there was nothing improper about  
25 APS' billing to Ms. Read on the Solcito non-demand account (meter #A93326) for the  
26 period of December 17, 1999 through February 17, 2000. On February 24, 2000,  
27 APS sent Read a bill for an estimated read because the access gate was locked when  
28

1 the meter reader attempted to read it. (As a result of the new CIS problems, this bill  
2 also included estimated charges for December 1999 and January 2000.) On the same  
3 day, APS sent a postcard to Read for account #361330282 and advised her that the  
4 read on her current month's bill was estimated because the meter reader was unable to  
5 access her meter due to a locked or broken gate. The postcard also asked Read to read  
6 her electric meter and mail back the postcard with the readings. On March 2, 2000,  
7 APS also sent Read a letter, advising her that the meter reader could not access her  
8 meter because the access gate was locked, and asking Read to call APS. Read  
9 apparently did call APS with a meter read on March 3, 2000, and on March 7, 2000,  
10 APS sent Read a corrected bill for Read's December 1999 and January and February  
11 2000 charges based on the meter read she had provided.

12         61. In response to paragraph 20, APS did estimate Avis Read's demand  
13 account at 6702 E. McDonald, Phoenix, Arizona (Meter #906893) for those months in  
14 1999 in which APS was unable to access the meter because of a locked gate.

15         62. With respect to the McDonald account, Read received a bill from APS  
16 that was based on an actual meter read in November 1998. Due to problems with the  
17 new CIS system, however, APS did not send Ms. Read another bill until February  
18 1999. In February 1999, APS sent Read a bill based on an estimated read. The meter  
19 was inaccessible due to a locked gate.

20         63. On March 31, 1999, APS sent Read a bill, which was based on an actual  
21 read in March. In addition, the March bill included the bills for the November 1998  
22 through January 1999 billing periods (based on actual reads) and the February 1999  
23 billing period (based on estimated read).

24         64. From April through June 1999, APS was not able to read the meter for  
25 this account because of access problems. On July 6, 1999, the account was closed. A  
26 final bill based on an actual read was sent to Ms. Read in July 1999. Ms. Read has  
27 not had a demand account since then. Although Ms. Read has no claim regarding her  
28

1 old demand account (or any other account), any such claim would be barred by the  
2 statute of limitations.

3         65. In response to paragraph 21, APS denies that the estimated bills for  
4 Read's Solcito account (the non-demand account) or the McDonald account (the  
5 demand account) failed to approximate actual usage and demand, or were higher than  
6 they should have been. Indeed, to the contrary, the attached charts demonstrate that  
7 APS's estimates on both Read accounts were reasonable in light of previous history,  
8 and, in fact, tended to understate her actual demand and energy usage. See **Exhibit E**,  
9 a summary of bills for the Solcito account (meter #A93326) and **Exhibit F**, a  
10 summary of the bills for the McDonald account (meter # 906893).

11         66. In further response to paragraph 21, as outlined above in  
12 paragraphs 40-64, APS contends that the bills for estimated reads that were sent to  
13 Avis Read were rendered in a manner consistent with controlling Regulations and  
14 were fair and reasonable.

15         67. In response to paragraph 23, prior to September 14, 1998, APS was  
16 using a computer system commonly referred to as "old CIS." The old CIS estimated  
17 both consumption (kWh) and demand (kW) based on a customer's individual account  
18 history. Consumption under the old CIS system was estimated based on the  
19 customer's usage during the same month of the previous year and the amount of usage  
20 during the preceding two months of the same year.

21         68. The old CIS, however, did not automatically send bills based on  
22 estimates to demand account customers. Instead, bills with a demand component that  
23 were required to be estimated triggered a billing exception. A billing exception  
24 caused that customer account to be sent to a billing representative.

25         69. Under the old CIS, a Billing Representative reviewed every account for  
26 which a billing exception had been created for that particular month. At that point,  
27 the billing representative could either (1) use the estimate numbers calculated by the  
28



1 old CIS; (2) manually calculate the consumption and/or demand estimates based on  
2 that customer's account history and peak demand of other customers with similar  
3 kWh usage; or (3) request that a meter reader again attempt to obtain an actual meter  
4 read.

5       70. On September 14, 1998, the new CIS system became operational.  
6 Although the new CIS system has always been able to estimate consumption (kWh),  
7 at its inception and for approximately the next eight months, the new CIS was unable  
8 to estimate demand (kW). Thus, from September 14, 1998 through late March or  
9 early April 1999, if the new CIS did not have an actual read for the demand number,  
10 the system would create a billing exception for that account billing. As with the old  
11 CIS system, the billing exceptions caused a billing representative to review the  
12 account and calculate the required estimate. The Billing Representative could do so  
13 by manually calculating the estimates based on that customer's account history or  
14 could request that a meter reader again attempt to obtain an actual read of the meter.

15       71. In response to paragraph 25, APS denies that the November 30, 2000  
16 Janet Smith memo accurately summarizes APS' practice under the old CIS for  
17 estimating demand. Janet Smith has avowed in the Superior Court action that her  
18 statement in the memo that "the old [CIS] system did not estimate demands" is  
19 technically not correct. She further has avowed as follows: "The old CIS system  
20 certainly did estimate demand. What I meant in my November 30, 2000 e-mail was  
21 that the old CIS system did not automatically estimate demand **and** generate a bill to  
22 the customer. Instead, the old CIS system generated a billing exception for that  
23 customer (which included a demand estimate) and a billing representative would then  
24 review the information and cause an estimated bill to be generated for the customer."  
25 (See Doc. Prod. Nos. APS05742-46.)

26       72. Further, Janet Smith has avowed as follows with respect to her  
27 November 2000 e-mail: "In my November 30, 2000 e-mail, I also stated, 'When we  
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1 first converted [the new CIS] there were numerous concerns that the demands being  
2 estimated by the system were unreasonable.' I was referring in the e-mail to the  
3 demand estimates calculated by the old CIS, and my use of the term 'unreasonable'  
4 was intended to mean that there were some concerns that demand estimates were  
5 either too high or too low, but mostly too low." *Id.*

6 73. Smith continued, "Under the old CIS, a billing representative reviewed  
7 every account for which a billing exception had been created for that particular month  
8 because demand had to be estimated. At that point, the billing representative could  
9 either: (1) use the estimate numbers calculated by the old CIS; or (2) if the CIS data  
10 appeared to be insufficient, manually calculate the consumption and/or demand  
11 estimates based on that customer's account history and peak demand of other  
12 customers with similar kWh usage; and/or (3) request that a meter reader again  
13 attempt to obtain an actual meter read." *Id.*

14 74. Smith concluded: "In my November 30, 2000 e-mail, I stated, 'The  
15 billing consultants and associates used various methods to estimate demands when  
16 needed (it varied depending on the person doing the estimating, not the situation).'  
17 When I made this statement, I was referring to the various methods set forth above in  
18 ¶ 5 [of the Smith Affidavit, which is summarized in ¶¶ 15-17 and 71-73 of this  
19 Response]. *Id.*

20 75. In response to paragraph 26, in late March or early April 1999, the new  
21 CIS was programmed so that it could estimate demand (kW), as well as consumption  
22 (kWh). The new CIS estimated demand -- as was also done by the old CIS -- using a  
23 load factor. At this point, the load factor was calculated using an average figure based  
24 on all customers in that particular rate class.

25 76. The new CIS estimated "demand" (kW) based on the average load  
26 factor described in ¶ 19. In a number of instances, however, the new CIS generated a  
27 billing exception for bills that required estimates. For example, if the customer did  
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1 not have a sufficient history from which to calculate consumption (kWh), the new CIS  
2 would generate a billing exception. Again, as described in ¶ 17 above, the billing  
3 exception required that account to be reviewed by a billing representative who  
4 manually calculated the estimates based on the customer's account history, or  
5 requested that a meter reader again attempt to obtain an actual read of the meter.

6 77. In further response to paragraph 26, APS believed that it was not  
7 necessary to seek Commission approval with respect to these estimating procedures as  
8 outlined above in ¶¶ 21-23. Moreover, although APS has refined the methodology  
9 used to provide estimates on bills, the basic method used to estimate consumption and  
10 demand is the same under the old CIS and the new CIS systems.

11 78. In response to paragraph 27, in approximately July 2002, APS lowered  
12 the load factor percentage used to calculate estimated demands from 45% and 50%  
13 respectively, to 35%, for all types of residential demand rate accounts. APS, based  
14 this change on its on-going research regarding the actual load factors of customers in  
15 that class.

16 79. In further response to paragraph 27, Ms. Smith did not intend her  
17 comment about creating the load factor in twenty minutes to be taken seriously. Ms.  
18 Smith has avowed as follows: "On June 18, 2002, I wrote an e-mail to Ravi Nair. . . .  
19 In the e-mail, I was discussing the demand estimation formula that went into effect in  
20 late March or early April 1999. In passing, I mentioned in the e-mail that we had  
21 'about 20 minutes to come up with something. . . .' This was not a serious comment  
22 by me; I was being facetious with a colleague and the comment was never intended to  
23 be taken literally as [Read's] counsel are now seeking to do. We certainly took more  
24 than 20 minutes in determining the appropriate load factor to be used in calculating  
25 demand. It was carefully considered and discussed before implementation. At the  
26 time I wrote the June 18, 2000 e-mail, as well as at the present time, I believed that  
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1 the system used to estimate demand was fair to the customer.” (See Doc. Prod.  
2 Nos. APS05742-46.)

3 80. In response to paragraph 28, APS denies that its estimation procedures  
4 are inaccurate. The procedures used by APS lead to estimates that are fair and as  
5 accurate as reasonably possible under the circumstances.

6 81. Indeed, bills that contain estimated demand reads can work to the  
7 customer’s favor. For example, attached as **Exhibits G and H** are copies of the  
8 billing histories of two random demand account customers who received bills that  
9 contained estimates. In each instance, the estimated demand is clearly lower than the  
10 demand actually used in the months both before and after the estimated reads.

11 82. **Exhibit G** is the account history for Meter Number E26017. This  
12 customer had an actual demand meter read in February 1999 of 9.1. The customer  
13 then received bills that estimated demand in March, April and May 1999. The  
14 estimated demands were 5, 4.7, and 4.3, respectively. Beginning in June 1999, the  
15 customer then received bills that contained actual reads, and the actual demand reads  
16 were significantly higher than the estimated demand reads. For instance, the demand  
17 read in June was 9.5; July was 8.7; August was 8.4; and September was 9.8.

18 83. A customer is charged per unit of demand (kW). In March 1999, APS  
19 billed \$7.68 for each kW used. Thus, in March 1999, the charge for the account  
20 referenced in ¶ 21 for the estimated demand was \$38.40. If the demand had been  
21 estimated at 8.5, for instance, which is a figure much more in line with this customer’s  
22 historical demand use, the charge for the demand would have been \$65.28. *Id.*

23 84. **Exhibit H** is the account history for Meter Number C87111. On  
24 October 25, 2000, the actual demand read was 8. From November 2000 through  
25 March 2001, APS estimated the demand at numbers that ranged from 1.6 to 3.9.  
26 Beginning in April 2001, however, APS was able to obtain actual reads of the meter,  
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1 and for the next seven months, the actual demand was 5.8; 6.8; 6.3; 6.2; 6.3; 6.6; and  
2 5.9.

3 85. Even if it appears that estimated demands were too low based on  
4 historical usage, APS never goes back to the customer and requests additional  
5 payment. Thus, in instances in which estimated demands were lower than what was  
6 probably actually used, the estimated demand figures inure to the benefit of the  
7 customer. In contrast, if APS discovers that an estimate of a demand account was too  
8 high, APS gives the customer a rebate on the customer's next bill.

9 86. APS denies the allegations of paragraph 29 and 30 for the reasons set  
10 forth above.

11 87. In response to paragraph 31, APS denies that class certification is proper  
12 (a) because class certification has already been denied by the Superior Court after full  
13 briefing and oral argument, (b) because the Commission has no jurisdiction to certify  
14 a class, and (c) because Claimant has failed to satisfy the requirements of Ariz. R.  
15 Civ. P. Rule 23(b). Moreover, the complaints of the class members do not involve a  
16 like set of facts, nor do they have like interests and positions, as required by A.C.C.  
17 R14-3-103(G) and R14-3-104(C). In addition, the decision of the Superior Court  
18 denying class certification is *res judicata* against Claimant in this proceeding (*See*  
19 *Doc. Prod. Nos. APS05848-49*), and Claimant should not be permitted to relitigate  
20 that issue in the Commission even assuming the Commission has jurisdiction to  
21 entertain a request for class certification of the type sought by Claimant.

22 88. APS denies the allegations in paragraph 32.

23 89. In response to paragraph 33, 34 and 35, individual issues of injury-in-  
24 fact and damages predominate over any common issues. Under Ariz. R. Civ. P. 23,  
25 Claimant bears the burden of showing that her case is appropriate for class action  
26 certification by showing that she has met each of the four requirements of Rule 23(a)  
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1 and at least one of the requirements of Rule 23(b). Claimant has failed to meet her  
2 burden of proof, as the Superior Court has already determined.

3       90. Claimant's alleged class also fails both the predominance and  
4 superiority tests because of the difficulties of proving that each class member suffered  
5 injury in fact and actual damages. Claimant seeks monetary relief for the class  
6 through a variety of claims, most of which require Claimant to prove that APS's  
7 allegedly unlawful estimated billing practices injured each member of the class. The  
8 existence of predominating individual issues of liability -- *i.e.*, injury in fact and  
9 actual damages -- renders class certification improper in this instance, as the Superior  
10 Court has already determined.

11       91. In fact, record evidence shows that estimated billing may work to a  
12 customer's economic benefit where the estimated demand (kW) was lower than actual  
13 demand. (*See* ¶¶ 81-84 above, and attached **Exhibits G-H**.) In those cases where  
14 estimated bills work to the customer's favor, APS does not seek a rebate from the  
15 customer. (*See* ¶ 85 above.) And in those cases where APS is able to obtain a normal  
16 read and finds that the previous month(s) estimated read was too high, APS issues the  
17 customer a credit on his or her account. (*Id.*) The Commission cannot presume that  
18 the members of the class have suffered economic damages on a class-wide basis;  
19 economic injury will have to be determined on a bill-by-bill basis for each individual  
20 class member, as the Superior Court has already determined in denying class  
21 certification.

22       92. APS denies the allegations in paragraphs 36-39 of the complaint.

23       93. APS denies the allegations in paragraphs 40 through 42 for the reasons  
24 set forth above. *See, e.g.*, ¶¶ 12-24.

25       94. In response to paragraphs 44-45, APS denies that it has violated A.R.S.  
26 § 44-1522 for the reasons set forth above (*see, e.g.*, ¶¶ 66-70) and APS denies the  
27 remaining allegations of paragraphs 44-45 of the Complaint.  
28

1           95.    In response to paragraphs 46-48, APS denies that Read or other APS  
2 customers have overpaid APS for their electricity and therefore suffered losses. *See*  
3 ¶¶ 40-65 and 81-85. In addition, APS has acted in a manner that seeks to ensure that  
4 bills that estimate electrical usage are as fair and accurate as reasonably possible.

5           96.    In response to paragraph 49, APS denies that customers who received  
6 bills that estimate electrical usage have been overcharged by APS for their electricity  
7 and therefore deny that APS has been unjustly enriched.

8           97.    APS denies the allegations in paragraph 50-52 of the Complaint.

9           98.    In response to paragraphs 53-54, APS denies that Claimant or her  
10 attorneys have any right to recover attorneys' fees or that there has been any breach of  
11 contract by APS. APS denies the remaining allegations of paragraphs 53- 54 of the  
12 Complaint.

13          99.    APS denies the allegations of paragraph 55 of the Complaint.

14          100.   In response to paragraphs 56-57, APS admits that in an APS'  
15 informational brochure entitled "At Home with APS," APS stated that "APS  
16 operations are in compliance all applicable regulations pursuant to the rules of electric  
17 competition (Article 2 Electric Utilities R14-2-201 through R14-2-212 and Article 16  
18 Retail Electric Competition R14-2-1601 through R14-2-1618) except where APS has  
19 been granted ACC waivers." APS denied the remaining allegations in paragraphs 56-  
20 57 of the Complaint.

21          101.   APS denies the allegations of paragraph 58 and 59 of the complaint.

22          102.   In response to paragraphs 60-63, APS denies that it has violated A.R.S.  
23 § 40-361 and denies all other allegations in paragraphs 60-63.

24          103.   In response to paragraphs 78-82 (the numbered paragraphs in the  
25 Complaint skip paragraph 64-77), APS denies that it has violated A.R.S. § 40-367 and  
26 denies all other allegations in paragraphs 78-82.

1           104. APS denies each and every allegation of the Complaint not expressly  
2 admitted herein.

3           105. As affirmative defenses to the Complaint, APS alleges that Claimant's  
4 claims fail to state a claim upon which relief can be granted. Further, Claimant's  
5 claims are barred in whole or part by statute of limitations, res juicata, lack of  
6 jurisdiction, lack of injury and damage, knowledge, waiver, estoppel, laches, unclean  
7 hands and impossibility.

8           WHEREFORE, having fully answered the complaint, APS prays as follows:

- 9           1. For the Complaint to be dismissed; and  
10          2. For such other relief as the Commission deems just.

11  
12          DATED this 20<sup>th</sup> day of September, 2004.


13  
14                   William J. Maledon  
15                   Debbie A. Hill  
16                   Ronda R. Woinowsky  
17                   OSBORN MALEDON, P.A.  
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19                   Phoenix, Arizona 85012-2794

20                   -And-

21                   Bruce A. Gardner  
22                   Senior Counsel  
23                   Pinnacle West Capital Corporation  
24                   PNW Law Department  
25                   P. O. Box 53999  
26                   Mail Station 8695  
27                   Phoenix, Arizona 85072-3999

28                   Attorneys for Respondent Arizona Public  
Service Company

By

  
William J. Maledon



1 I hereby certify that I have this day  
2 Served the foregoing document  
3 On all parties of record in this  
4 Proceeding by mailing a copy,  
5 First class postage prepaid,  
6 this 20th day of September, 2004, to:

7 Barry G. Reed  
8 Zimmerman Reed P.L.L.P.  
9 14646 N. Kierland Blvd., Suit 145  
10 Scottsdale, Arizona 85254

11 David A. Rubin  
12 Law Offices of David A. Rubin  
13 3550 N. Central Ave., Suite 1201  
14 Phoenix, Arizona 85012-2111

15 Jeffrey M. Proper  
16 Law Offices of Jeffrey M. Proper  
17 3550 N. Central Ave., Suite 1200  
18 Phoenix, Arizona 85012-2111

19 Attorneys for Complainant Avis Read

20 Deborah B. Dunn

A

Date September 18, 1995

To Distribution

From Gayle Blake

Sta # 3851

Ext # 83-7696

SUBJECT New No Access Guidelines for Existing Customers

Effective immediately, there will be a new no access procedure for existing residential customers that currently have an access problem in the Metro area

The procedure for new customer connects or existing customers requesting a rate change to a TOU rate has not changed. These customers will need to provide unassisted access and are not eligible for the options listed below.

The new guidelines for existing no access problems have been established to

- Help reduce the number of verifies that are sent to the field by Billing Services
- Reduce the number of estimated bills
- To improve our safety goals by eliminating potential meter read hazards

If you determine there is an access problem when speaking with a customer, the following options are available:

- 1 Offer the Info Line phone number for your customer's meter read office. This will provide the customer with enough information so they can guarantee that we will have unassisted access to the meter (Rate Codes: 1800, 1200, 1600, 1300, 0800, 0100)

The Info Line phone numbers are as follows

<u>Read Office</u>	<u>Info Line Number</u>
191, 192, 193	250-2558
291, 391, 396	250-2552
293, 395	250-2556
392, 393	250-2560
394, 397	250-2562

AND

- 2 Offer to send the customer a meter read schedule so they will know when to call the Info Line and find out the days of the month the meter reader will be in their area (Rate Codes: 1800, 1200, 1600, 1300, 0800, 0100)

**Note** It is important to generate a meter reading schedule through the IVR so the CSIF screen is automatically updated to generate a new meter reading schedule each year

OR

- 3 Offer an APS company lock (if applicable) (Rate Codes: 1800, 1200, 1600, 1300, 0800, 0100)

If you have a customer that absolutely cannot provide unassisted access to the meter, you will need to refer the customer to the Meter Read Section Leader for the customer's read office. You may transfer the call directly to the Meter Read Section Leader or send a VISTA note with the customer's account information and phone number.

The Meter Read Section Leader will follow up with the customer and field check the location if necessary. The Meter Read Section Leader may offer one of the following options:

- 1 If a TOU digital meter can be read over the fence, the Section Leader may offer the TOU rate to the customer. However, sunlight, meter location, etc. will affect the ability to obtain a read from a digital meter over the fence (Rate Codes: 1200, 0800, 0100)
- 2 The Meter Read Section Leader may offer an Access Card (Pink Card). This card will be offered ONLY when no other options are available to access the meter. The Access card will be mailed monthly to the customer so they can obtain a read. The customer will need to send the card back with a read the same day they receive the card in the mail (Rate Codes: 1200, 0800, 0100)

If the access card is returned to us on the scheduled read date - the meter reader will enter the reads that afternoon.

If the access card is returned after the scheduled read date - the information will be sent to Billing Services.

If the access card is not returned - the customer's bill will be estimated.

The Meter Read Section Leaders will be monitoring the no access reports on a daily basis. The CMSG screen will be updated to indicate what options or arrangements were made with the customer.

As a reminder, please refer to the standard line of questioning listed below to determine accessibility to the meter

**Q Where is the meter located?**

Access the MTRR or MVTO screen to view the MTR RD MSG field for reason codes or meter read message codes that indicate any previous access problems Refer to Meter Read Message Codes in the Codes and Terms chapter or Rep Direct

Access the MRDC screen to check the meter location codes to determine if there may be an access problem Update the MRDC screen with any new information Refer to Meter Read Location and Instruction Code in Codes and Terms chapter or Rep Direct

**Note** If the meter is located inside (porch, garage, house, etc ), a TOU rate is not an option Advise the customer they have the option of paying to have the meter and service entrance relocated You will need to refer the customer to a Service Coordinator (Metro) or the CSP (State) for the area

**Q Do you have a dog?**

Advise the customer that the dogs will need to be secured away from the meter by a dog run, fence, or inside the home on the date the meter will be read Update the MRDC with the type of dog (example dog/pit bull or dog/retriever)

**Note** Do not indicate whether the dog is bad or okay A dog's temperament may be different with different meter readers so each meter reader will determine their own comfort level with a dog

**Q Do you have a swimming pool?**

Advise customer that the locking part of the latch needs to be on the outside of the gate You may offer the customer an APS lock

If the customer is unable to provide you with enough information to determine that APS will have unassisted access Please refer the customer the appropriate Meter Read Section Leader

If you have any questions, please contact Donna Frazer at ext 81-1224 or pager 226-2233

***This information will be updated in the next edition of Rep Direct.***

**Distribution**

Metro Region Customer Office & Support  
State Region Customer Office Section Leaders  
Local Reps

**CC**

Jeanne Jones	3192	Karen Wolff	3858
Shereen	3855	Denise Hutchinson	3851
Lovendge			

Donna Frazer	4621	Phil Cea	3378
Chuck Evans	4038	Brian Riffle	2618
Dan Kolmos	3378	Ruben Alcocer	4621
Ed Guthrie	4038	Ginger Pitts	4101

B

## **Meter Reader Responsibility**

### **Monthly No Access**

- Meter Readers will leave door hangers, indicating No Access reason. The door hanger will provide the phone number for the call center.
- Meter Reader will enter code 40 "left door-hanger" into the handheld.

### **Meter Reading Admin (Metro) Head Meter Reader or Business Office (State)**

The Shop Admin will process the Access Reports daily. Each site on the report should be reviewed in CIS to determine the number of consecutive months no access and appropriate actions taken.

### **Reports to be worked**

KM06R20 NO ACCESS METERS  
KMO6R70 ROUTE IRREGULARITIES  
KM06R36 DEMAND METERS TO BE RESET

- **1<sup>st</sup> Month –**
  - Review site in CIS and confirm meter reader left door hanger and input code "40" in hand held. The message "door hanger" appears in CIS on usage history detail.
  - If meter reader did not leave door hanger, create a Meter Access Request letter to be sent to the customer and add a site note stating letter sent.
- **2<sup>nd</sup> Consecutive Month –**
  - Review site in CIS to confirm meter reader left door hanger.
  - Accounts that were NOT noted for door hanger should be brought to the attention of the leader to enable follow-up with meter reader on door hanger and code 40 requirement.
  - If meter reader did not leave door hanger, create a Meter Access Request letter to be sent to the customer and enter a site note stating letter sent.
  - Identify large non-residential accounts and send account information and no access reasons to the Key Account rep via e-mail. Rep will attempt customer contact to resolve access issue.
  - Enter "Access" note in CIS stating
    - Customer has had Door hanger/Meter Access Request letter 2 consecutive months.
    - Key account rep has been notified.



- **3<sup>rd</sup> Consecutive Month** – Account will download to the outbound dialer to leave a recorded no access message
  - Review site in CIS to confirm door hanger or other communications have been made and documented
  - If no communications have been made, send the Meter Access Request letter
  - Outbound dialer will update account with call action
  - Identify large non-residential accounts and send account information and no access reasons to the Key Account rep via e-mail stating
    - 3<sup>rd</sup> consecutive month no access
    - Door hangers left and/or no access letter sent
  - Enter “Access” note in CIS stating
    - Customer has had Door hanger/Meter Access Request letter 3 consecutive months
    - Key account rep has been notified
  
- **4<sup>th</sup> Consecutive Month** - From the daily No Access reports, accounts that have four consecutive months of no access will be mailed a No Access post card. The information will instruct the customer to contact Call Center to obtain access solutions to avoid future interruption of service.

The residential post card will also indicate we will be estimating their billings on the STANDARD RATE option.

- Check for door hanger message and/or meter access request letter
- Change TOU rate to standard rate
- Generate a “No Access Post Card – via the custops website
- Identify large non-residential accounts and send account information and no access reasons to the Key Account rep via e-mail stating
  - 4<sup>th</sup> consecutive month no access
  - Door hangers left and/or no access letter sent
- Enter “Access” note in CIS stating
  - Customer has had Door hanger/Meter Access Request letter 4 consecutive months
  - Customer has been changed from TOU to standard rate.
  - No Access Post Card has been sent.
  - Key account rep has been notified
  
- **5<sup>th</sup> Consecutive Month** - (The customer has received 4 door hangers or meter access letter sent, a dialer call and a post card). From the daily No Access reports, the accounts that have had access issues 5 consecutive months will receive a Active Account No Access letter. The information will instruct the customer to contact Call Center to obtain access solutions to avoid interruption of service. The letter informs

the customer of a disconnect following the next scheduled read date if the meter is still inaccessible.

**EXCEPTIONS:** customers who have had service, at this site, prior to 1998 and the no access issues existed then and still exist, will not receive a service interruption notice, we will continue to leave door hangers and send post cards. If they have been at the site since 1998 and the no access issues began AFTER that year, they will receive the service interruption notice. Accounts that meet this criteria will have a note indicating access exception

- Check for door hanger message and/or meter access request letter
  - Research account thoroughly to ensure that customer has **not** responded (to any access door hangers, letters, dialer calls and post card ) to resolve access issue
  - Generate an Active Account No Access letter – via the custops website
  - Identify large non-residential accounts and send account information and no access reasons to the Key Account rep via e-mail stating
    - 5<sup>th</sup> consecutive month no access
    - Customer has not responded to door hangers, letters, or dialer calls
  - Enter “Access” note in CIS stating
    - Customer has had Door hanger/Meter Access Request letter 5 consecutive months
    - Active Account No Access letter has been sent
    - Key account rep has been notified
- 
- **6<sup>th</sup> Consecutive Month** - (Customer has received 5 door hangers, dialer call, post card and service interruption notice). Meter Reading Admin (Metro), and Head Meter Reader (State) will view account for any indication customer has called to resolve access. If none are found, the Admin/Head Meter Reader will attempt to call any listed daytime phone numbers. If unable to reach customer by phone, a disconnect order should be generated to Field Services personnel. One more attempt is made by the serviceman, if there is still no access to disconnect at the meter, the order will be reassigned to OH or UG (Metro) or Field Service Supervisor (State). (See Schedule 1, Section 5.4)
    - Check for door hanger message and/or meter access request letter
    - Check for Service Interruption notice
    - Utilize any customer contact phone numbers available and attempt to make contact to offer access solutions.
    - Create and schedule Shut-Off order for next working day – make sure instructions on the order are clear by stating the complete access issue
    - Identify large non-residential accounts and send account information and no access reasons to the Key Account rep via e-mail stating:
      - 6<sup>th</sup> consecutive month no access
      - Customer has not responded to door hangers, letters, or dialer calls

- Service interruption notice has been mailed
  - Attempts have been made to contact by phone with no success
  - Enter "Access" note in CIS stating
    - Customer has had Door hanger/Meter Access Request letter 6 consecutive months
    - Active Account No Access letter has been sent
    - Key account rep has been notified
    - Attempts have been made to contact customer by phone
    - "Shut-off order for 6 consecutive months no access" has been scheduled
- Indicate reasons, i.e. latch on inside middle portion of gate, locked.

#### **PROCESS GUIDELINES:**

- When working reports, identify meter reader messages that are unclear or incomplete for leader follow-up. Leader will instruct meter reader on the necessity for thorough understandable messages. For Example
  - "Mtr Blk" without a freeform makes it difficult to communicate with the customer to effectively resolve the access issue
  - "Mtr Blk" with freeform "blocks on pallets" enables customer contact with more specific field issues and improves success in resolving

OR

  - "Gt Ltch" with no freeform vs.
  - "Gt Ltch" with freeform "on inside, middle" enables contact with customer to discuss moving latch to top or front side of gate and offer a company lock/key
- Coded messages such as No display, dead meter, generate service orders to resolve these meter issues. When these messages are entered in freeform only, a service order will not generate. Bring these flag issues to leader to enable instruction with meter reader on proper use of No Access codes in hand held. Generate a service order to correct field condition
- Messages flagged "other", should always have a freeform indicating the reason. When no reason is indicated, bring these to the attention of the leader for meter reader instruction on this requirement

## ACCEPTABLE ACCESS SOLUTIONS

### **DOGS**

#### **CONNECTED AFTER 1998, OR ACCESS ISSUES OCCURRED AFTER 1998**

1. Will dog(s) be secured by a fenced dog run that prevents access to the area where the meter is located and the path to walk to the meter? (If no, customer does not meet criteria for TOU rate - go to number 2 )
2. If customer is unable to provide dog runs ask if they would meet with a meter reading coordinator, between the hours of 7 and 3 to determine accessibility solutions? If so, transfer the call to the meter reading coordinator to schedule an appointment.

#### **FOR T O U CUSTOMERS WHERE ACCESS ISSUES HAVE BEEN ON-GOING PRIOR TO 1998**

1. Can the dog be secured during the five-day window when we read the meter? If so, a read schedule and info line may be offered.
2. If customer is unable to provide dog runs, secure pets for read day windows or opt for the standard rate, ask if they would meet with a meter reading coordinator, between the hours of 7 and 3 to determine accessibility solutions? If so, transfer the call to the meter reading coordinator to schedule an appointment

### **LOCKED GATES (ALL RATES)**

1. Customer can leave gate to meter location unlocked if latch in on the outside of the gate
2. If latch is on the outside of the gate but customer wants to lock the gate, offer the customer the option of utilizing an APS lock on their gate. Locks are individually keyed and the customer will have a key for their personal use.
3. If customer prefers to utilize **their own lock**, inquire if they will provide us a key for access on read days. If so instruct the customer as follows:
  - Please tape the key to a piece of paper that has your service address and name on it for identification purposes. The key must be placed at the bottom of the envelope or taped to the bottom of the envelope (if not, the US Postal Service may not deliver the key to us).
  - Give the customer the address of the meter reading office the key should be mailed to

**NOTE** If the lock is a deadbolt and the same as the house key, we require the gate be re-keyed differently from the house key

**BUILDING KEYS** - If a non-residential customer offers a key to a building to access a meter, please transfer the customer to the respective meter reading office.

### **GATE LATCHES OUT OF REACH (ALL RATES)**

APS personnel may not be tall enough to reach over a gate to unlock the lock with a key. Ask the customer to relocate the latch to the outside portion of the gate

DATE \_\_\_\_\_

X863-01N

**aps.**  
WE CARE HOW YOU LIVE

CUSTOMER ACCOUNT NUMBER:  
04 16 276660

We were unable to read your electric, gas meter(s) today because:

① Premises were locked.  
② Meter(s) blocked by BUSH

3. Dogs.  
4. Dial Card Missing.  
⑤ Not Home.  
6. Other \_\_\_\_\_

Months not read 3

As a result, your bill will be estimated this month. Please take the necessary action to make the reading of our meter possible in the future.

Thanks for the assistance.  
APS Meter Reading Department  
Phone: 271-2063

Account No. 04 16 276660  
Address 2817 E. ANGELA DR  
Months Est. 3 E ⑥  
Remarks: LOCKED - BLKD, BUSH

Date: 02/10/21 Name BARR  
Foreman: BARNES  
Date \_\_\_\_\_ Name \_\_\_\_\_

- 3) The Door Hanger - This form is available from your Foreman and is used when reads are missed, because of lockouts and/or blocked meters. A lockout occurs when you cannot obtain access to a meter, because the gate is locked and the customer is not at home to let you in his yard. a blocked meter occurs when the view of the meter is obstructed by some object, which prohibits you from reading the meter from outside the yard, with your monocular. Complete this form, with appropriate information and detach along perforation. Hang top portion on the customer's front door knob and place the bottom of the form in the Meter Book, with the corresponding page. Be sure to complete this form so the customer will know why you were unable to read his meter and attempt to resolve the reading problem.

A message from your **APS** Meter Reader...

I was here today to read the APS meter, but could not get a read because:



☐ Your gate was locked and/or you latch is out of reach.



☐ Your pet is protecting your house from strangers and would not allow me to enter your yard.



☐ Foliage is covering or blocking the view of the meter.

☐ Path to meter is inaccessible.



We have solutions to offer you.

Please take a minute to call us:

English: (602) 371-7061

Spanish: (602) 371-7051

Toll-free: (877) 873-8798

Your assistance is appreciated!

**APS**

APS03375



## Regarding your meter...

Date: \_\_\_\_\_ Time: \_\_\_\_\_

ACCOUNT  
NUMBER: \_\_\_\_\_

A timely, accurate meter read is important to you and to APS. Unfortunately, we were unable to ☐ read your meter or ☐ access your demand meter today because: (No hemos podido leer el medidor porque:)

- ☐ Premise locked (Propiedad cerrada)
- ☐ No one home (Nadie estaba en casa)
- ☐ Dog(s) (Perros sueltos)
- ☐ Dirty meter glass (Vidrio del medidor está sucio)
- ☐ Meter blocked by: (Imposibilidad de llegar al medidor)
  - ☐ Plants
  - ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

Please help us in the future by:

- ☐ Trimming plants or bushes near the meter (Corte plantas y arbustos cercanos al medidor)
- ☐ Cleaning meter glass so it can be read from a distance (Limpiar vidrio del medidor para ver los números)
- ☐ Providing free access to your yard/meter (Deje acceso al medidor en su jardín)

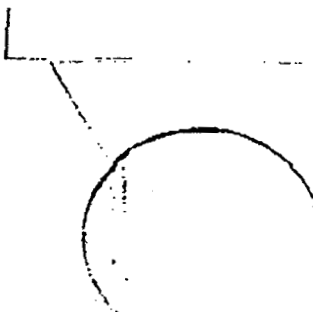
Until this problem is corrected, your bill may need to be estimated by looking at your previous energy use. Your cooperation will help ensure that your bill is based on actual reads.

**THANK YOU!**

If you have questions or need further assistance, call your local APS Meter Reading Office at: (Si tiene preguntas sobre este aviso, llame su oficina)

Phone: \_\_\_\_\_

**APS**



## URGENT MESSAGE

### APS Needs Complete Access to Our Electric Meter

We are committed to providing you with the best service at the lowest price possible.

The electric service plan you have selected can save you money and we would like you to be able to continue on this plan. To obtain the information necessary to provide you with an accurate bill for this service plan, we must have complete and safe monthly access to our meter (without knocking on your door or making appointments).

There are several ways we can work together to develop an ideal solution to this situation. Please call our 24-hour Customer Solution Center at 602-371-7171 or the number listed on the reverse side of this door hanger.

If you cannot provide us with safe, unassisted access to the meter, it will be necessary to transfer you to another service plan that may not be as economical for you.

We are confident that working together we will be able to resolve this access problem.

You are a valued customer and we appreciate your business.



APS03374



Date \_\_\_\_\_ Time \_\_\_\_\_ Signed \_\_\_\_\_

If no one is home, APS will provide power from your meter to your breaker box (off/on switch), provided your meter and breaker box are accessible or not locked. However, we cannot provide power from the breaker box (off/on switch) to your building, unless someone is home.

**YOU MAY TURN ON ELECTRIC BY:**

- ☐ Turning Main Switch On
- ☐ Turning Individual Circuit Breakers On
- ☐ Turning On Additional Circuit Breakers That May Be Off Inside Home/Apartment
- ☐ Contact Apartment Manager or Owner
- ☐ Turn Fuse Block Over

**CAUTION:**

BEFORE TURNING ON ELECTRIC, TURN OFF ELECTRIC APPLIANCES. REMOVE FOREIGN OBJECTS FROM ELECTRIC RANGE TOP WHEN, SUCH AS CARDBOARD BOXES, PAPER GOODS, ETC. MUST BE ON TO ELECTRIC WATER HEATER.

☐ DEPOSIT DUE ON \_\_\_\_\_

FOR INFORMATION PLEASE CALL **371-7171**

OUR REPRESENTATIVE CALLED TODAY AND ☐ DID ☐ DID NOT COMPLETE THE FOLLOWING

- ☐ Turn On Electric
- ☐ Change Electric Meter
- ☐ Reread Meters
- ☐ Disconnect Electric Service

**BECAUSE**

- ☐ Need City/County Clearance
- ☐ Account Past Due
- ☐ Please Establish Service In Your Name
- ☐ Electric Meter Socket Not Identified (Need Apartment/House Number on Socket)
- ☐ Meter Not Accessible
- ☐ Gate(s) Locked
- ☐ Dog(s) Not Secured
- ☐ Contact An Electrician, Your Electrical System Is In Need Of Repair
- ☐ Blue Tag Has Been Installed, Hazardous Condition Exists
- ☐ Breaker Box Is Locked
- ☐ Multi-Meter Panel Has Not Been Approved By APS



Fecha \_\_\_\_\_ Hora \_\_\_\_\_ Firma \_\_\_\_\_

Si no hay nadie en casa, APS proporcionará energía hasta el medidor, siempre y cuando el medidor y el interruptor (on/off switch) estén a nuestro alcance y no encerrados. Será necesario prender el interruptor para que la energía pueda pasar al edificio.

**USTED PUEDE PRENDER LA ELECTRICIDAD CON SOLO:**

- ☐ Abrir el interruptor principal
- ☐ Abrir los interruptores individuales
- ☐ Abrir interruptores adicionales que podran estar cerrados dentro de la casa o el apartamento
- ☐ Ponerse en contacto con el dueño o administrador del apartamento
- ☐ Voltar el fusible a la posición (ON)

**PRECAUCION:**

ANTES DE PRENDER LA ELECTRICIDAD, APAGUE LOS APARATOS ELECTRICOS. quite objetos de encima de la estufa o del horno, tales como cajas de carton, articulos de papel, etc. EL AGUA DEBE ESTAR CONECTADA AL CALENTADOR DE AGUA ELECTRICO.

☐ DEPOSITO DE \$ \_\_\_\_\_ DEBE SER PAGADO ANTES DE \_\_\_\_\_

PARA MAS INFORMACION FAVOR DE LLAMAR AL **371-7171**

NUESTRO REPRESENTANTE LLEGO AQUI HOY Y ☐ PUDO

☐ NO PUDO LLEVAR A CABO LO SIGUIENTE.

- ☐ Prender la electricidad
- ☐ Cambiar el medidor electrico
- ☐ Confirmar la lectura de los medidores
- ☐ Desconectar su servicio electrico

**PORQUE**

- ☐ Necesita permiso de la ciudad o condado
- ☐ La cuenta esta delinciente
- ☐ Favor de establecer servicio en su nombre
- ☐ El enchufe del medidor electrico no está identificado (Necesita el numero del apartamento/casa en el enchufe)
- ☐ El medidor no esta accesible
- ☐ Verja(s) Cerrada(s)
- ☐ Perro(s) Suelto(s)
- ☐ Pongase en contacto con un electricista, su sistema electrico necesita ser reparado
- ☐ Existe un defecto de seguridad, una etiqueta azul ha sido aplicada
- ☐ La caja del interruptor está cerrada
- ☐ El tablero de multimedidores no ha sido aprobado por APS



## ***A Message from your APS Meter Reader...***

**I was here today to read the APS meter, and could not due to:**

- ☐ The gate was locked or inaccessible
- ☐ Your pet is protecting your home from strangers and would not allow me to enter your yard
- ☐ Plants and trees are covering or blocking the view of the meter
- ☐ The path to your meter is blocked or inaccessible
- ☐ Other \_\_\_\_\_

**We have solutions to offer you.**

**Please take a minute to call us:**

**English: (602) 371-7061**

**Toll-Free: (877) 873-8798**

- To ensure accurate reads every month, the meter reader must have unassisted access to your meter
- In many cases the meter reader needs to physically touch the meter to obtain reads and monitor meter functions
- Continued inaccessibility to your meter will result in estimated bills and may result in a change of your current rate plan or disconnected service
- APS is dedicated to providing it's customers with excellent service. Please take the time to call us so we can find the right solution for you

***Your Assistance is Appreciated***



**THE POWER TO MAKE IT HAPPEN™**

**aps.com**

863-01NR

## ***Un mensaje del técnico que lee el medidor de APS..***

**Pasé hoy para tomar la lectura del medidor de APS, y no la pude obtener debido a que:**

- ☐ El portón estaba cerrado con llave o inaccesible
- ☐ Su perro (animal doméstico) estaba protegiendo su hogar contra personas desconocidas y no me permitió que entrara a su yarda
- ☐ Hay obstáculos bloqueando el medido, tales como árboles y plantas que no permiten que obtengamos la lectura
- ☐ Hay obstáculos en el camino que impiden el paso a su medidor
- ☐ Otra razón \_\_\_\_\_

**Tenemos soluciones que ofrecerle.**

**Por favor tome un minuto y llámenos:**

**Español: (602) 371-7051**

**Llamada gratis: (877) 873-8798**

- Para asegurar que el técnico que lee su medidor cada mes obtenga lecturas exactas es necesario que tenga acceso a su medidor sin ninguna interrupción
- En muchos casos el técnico que lee el medidor necesita tocar físicamente el medidor para obtener la lectura y inspeccionar las funciones del medidor
- La inaccesibilidad continua a su medidor resultará en facturas estimados y es posible que tengamos que cambiar su plan de tarifa actual o desconectar su servicio eléctrico
- En APS estamos dedicados a proveer excelente servicio a nuestros clientes. Por favor tome unos cuantos minutos y llámenos para poder determinar la solución perfecta para usted

***Apreciamos su Asistencia***



**EL PODER DE NUESTRA ENERGIA™**

**aps.com**

C

**LINDA SCHAEFFER**  
**Your Account Number**  
**Billing Date**

**824204282**  
**Apr 16, 2002**

Questions? Visit our website at [www.aps.com](http://www.aps.com) or  
 call 602-371-7171, 24 hours a day, 7 days a week.  
 Para servicio en español llame al 602-371-6861.

Previous Balance	Payments Received	Current Charges	Total Due by 04/29/2002
0.00	0.00	47.95	47.95

**\* ALERT/ALERT \***

A meter reading  
 issue exists at  
 your location.

PLEASE CALL US  
 at: 602-371-7171  
 (Metro Phoenix  
 area) or  
 1-800-253-9405  
 (other areas).

**SERVICE INFORMATION**

Service number 3001S20286  
 Your service plan Time Advantage Rate  
 Service address 3638 W Caribbean Ln

Your meter number E38746  
 Your meter is read in cycle 07

On Apr 11 your total kWh read was 54186  
 On Mar 14 your total kWh read was 54118  
 Your total kWh usage is 68

This month's read was estimated - DOG  
 On Apr 11 your on-peak kWh read was 22764  
 On Mar 14 your on-peak kWh read was 22739  
 Your on-peak kWh usage is 25  
 Your off-peak kWh usage is 43

**CURRENT CHARGES**

Basic service charge 15.00  
 Charge for on-peak kWh used 2.76  
 Charge for off-peak kWh used 1.84  
 ACC mandated environmental surcharge 0.06  
 Regulatory assessment 0.04  
 Sales tax 1.41  
**Current energy & delivery charges 21.11**

Service establishment charge 03/14/2002 25.00  
 Regulatory Assessment 0.05  
 Sales Tax 1.79  
**Current miscellaneous charges & credits 26.84**

**Total current charges 47.95**

ENERGY USE COMPARISON			
	This Month	Last Month	Last Year
Days	28	N/A	N/A
Daily kWh	2	N/A	N/A
Daily Cost \$	0.75	N/A	N/A

When paying in person, please bring bottom portion of this bill.

Billing Date  
 Apr 16, 2002

Account Number  
 824204282

Account Number  
 824204282

Billing Date  
 Apr 16, 2002

ENTER AMOUNT ENCLOSED

MAKE CHECK  
 PAYABLE TO: APS

ENTER S.H.A.R.E. AMOUNT

Check No. \_\_\_\_\_

Date paid \_\_\_\_\_

Amount \_\_\_\_\_

LINDA SCHAEFFER  
 PAUL SCHAEFFER  
 3638 W CARIBBEAN LN  
 PHOENIX AZ 85053-4637

If contributing to S.H.A.R.E.  
 please enter amount in S.H.A.R.E.  
 box and add to your total

TOTAL AMOUNT OF  
 \$47.95  
 DUE BY 04/29/2002

KEEP THIS STUB  
 PORTION FOR  
 YOUR RECORDS

07 R 1 1

00000008242042828020020416000002684900000479564 000

D

Active Account  
No Access

September 9, 2003

«cust\_name»  
«addr1»  
«addr2»

Dear «Cust\_Name»

The electric service will be disconnected at «SADD» as we have been unable to safely access and read the electric meter for five or more consecutive months

We want to provide you uninterrupted service and accurate billings, so please take a moment to contact us

Your service will be disconnected following your next read if we are unable to safely access your meter. To re-establish service, safe access will be required and reconnect charges will apply.

Please call (602) 371-7061 or 1-877-873-8798 to provide us an opportunity to offer access solutions. We can also assist you in Spanish at (602) 371-7051 (en Español).

Sincerely,

APS Customer Service

E

**Meter A93326, 6826 E. Solcito Lane, Paradise Valley, AZ**

<b>Billing Period</b>	<b>Days in Billing Cycle</b>	<b>Energy Use (kWh)</b>	<b>Actual Meter Dial Read</b>	<b>Meter Read Date</b>
3/3/99-3/19/99	16	602	96,665	3/19/99
3/19/99-4/21/99	33	1788	98,453	4/21/99
4/21/-5/20/99	29	3042	1,495*	5/20/99
5/20/99-6/21/99	32	3493	—	estimated
6/21/99-7/21/99	30	3225	—	estimated
7/21/99-8/18/99	28	2711	—	estimated
8/18/99-9/17/99	30	2406	—	estimated
9/17/99-10/18/99	31	3492	—	estimated
10/18/99-11/17/99	30	2901	—	estimated
11/17/99-12/17/99	30	2900	—	estimated
12/17/99-1/19/00	33	3191	—	estimated
1/19/00-2/17/00	29	2013	—	estimated
3/02/00			37,674 <sup>1</sup>	Ms. Read called in meter read
2/17/00-3/21/00	33	1242	—	estimated
3/21/00-4/18/00	28	1788	—	estimated
4/18/00-5/18/00	30	3042	—	estimated
5/18/00-6/19/00	32	3493	—	estimated
6/20-7/19	30	12707	57,429 <sup>2</sup>	7/19/00
7/20-8/17	30	2904	—	estimated
8/18/00-9/18/00	31	9855	70,188 <sup>3</sup>	9/18/00

\* Upon reaching 99,999, the meter recycles to 00,000.

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<sup>1</sup> On May 20, 1999, the actual kWh meter dial reading was 1495. On March 2, 2000, the next time that there was an actual read, the kWh meter dial reading was 37,674. (Mrs. Read called in the meter read on March 2).

Thus, actual usage (kWh) from May 21, 1999 through March 2, 2000 was 36,179 kWh. During this same period, APS estimated Read's kWh usage at 26,932 kWh (adding 600 kWh from 2/17-3/21 estimate to this period). APS therefore **underestimated** Mrs. Read's kWh usage during this period by approximately 10,000 kWh.

<sup>2</sup> The last known meter read was on March 2, 2000 – 37,674 kWh. The next actual read occurred on July 19, 2000, with a kWh actual meter dial read of 57,429. This means that from March 2 through July 19, 2000, Read used 19,755 kWh. From March through June, however, APS estimated Read's usage at 8965 kWh (adding 642 kWh from 2/17-3/21 estimate to this period). Thus, APS estimated that Read's usage for the first four months of the period was 8965 kWh, less than half of the actual usage during the total five-month period. Again, it appears that APS **underestimated** Read's kWh usage during this period because it is highly unlikely that more than half of Read's energy usage during the five-month period occurred during the last one-month period (July).

<sup>3</sup> The last known meter read was on July 19, 2000, with a kWh actual meter dial read of 57,429. The actual meter read on September 18, 2000 showed an actual kWh meter dial read of 70,188. This meant that Read used 12,759 kWh during this two-month period. APS estimated that Read's kWh consumption in August was 2904 kWh, approximately 23% of the total electrical usage during this two-month period. As with the previous periods, APS likely **underestimated** the August usage, given that it is unlikely that Read consumed 77% of the total electrical usage during the last monthly period (September).



F

Installed Service - ELECTRIC - 239440289 - 3707 E WETHERSFIELD DR

Installed Services Selected View Help

Meter Number Is E26817

Meter Trail 393-88-89-42788

Next SA Window 02/06/2004 Thru 02/17/2004

Status	TOU	Source	Date	Begin	End	Billing Usage	Dmd Rtg
BILLED		NOR	12/08/1999	2964	4372	1,408.0	6,900
BILLED		NOR	11/08/1999	1716	2964	1,248.0	9,400
BILLED		REA	10/08/1999	0	1716	1,716.0	9,400
BILLED		SER	09/15/1999	0	0	0.0	0.000
BILLED		SER	09/15/1999	44262	44816	554.0	8,500
BILLED		MAN	09/09/1999	41383	44262	2,873.0	9,800
BILLED		REA	08/09/1999	39146	41383	2,237.0	8,400
BILLED		REA	07/12/1999	36657	39146	2,489.0	8,700
BILLED		REA	06/09/1999	35772	36657	885.0	9,500
BILLED		AUT	05/11/1999	34351	35772	1,421.0	4,300
BILLED		AUT	04/09/1999	32799	34351	1,552.0	4,700
BILLED		AUT	03/11/1999	31158	32799	1,641.0	5,000
BILLED		REA	02/09/1999	30177	31158	981.0	9,100

General

Usage History

Relationship

Profile

ENDX AZ 05032, APS

WETHERSFIELD DR S

# E26817, ON, N=

Add Reading...

Hide Void/Canceled

Page 1 of 1

G

**Meter 906893, 6702 E. McDonald, Phoenix, AZ**

<b>Billing Period</b>	<b>Days in Billing Cycle</b>	<b>Energy Use (kWh)</b>	<b>Demand (kW)</b>	<b>Meter Read Date</b>	<b>Bill Amount</b>	<b>Cost Per Day</b>
9/21/98-10/21/98	29	3633	9.9	10/21/98	\$282.59	\$9.74
10/21/98-11/20/98	30	2900	9.7	11/20/98	\$195.26	\$6.51
11/20/98-12/22/98	32	3602	9.5	12/22/98	\$219.28	\$6.85
12/22/98-1/22/99	31	3184	8.6	1/22/99	\$197.07	\$6.35
1/22/99-2/19/99	28	2860	8.7	estimated <sup>1</sup>	\$186.02	\$6.64
2/19/99-3/19/99	28	3577	11.9	3/19/99	\$238.28	\$8.51
3/19/99-4/21/99	33	3356	10.2	estimated <sup>2</sup>	\$216.37	\$6.55
4/21/99-5/20/99	29	3622	11.0	estimated <sup>3</sup>	\$295.10	\$10.17
5/20/99-6/21/99	32	4148	12.0	estimated <sup>4</sup>	\$329.63	\$10.30
6/21/99-7/8/99	15	4416	23.6	7/8/99 <sup>5</sup>	\$333.91	\$22.26

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<sup>1</sup> Meter 906893 was read for the month ending January 22, 1999 -- kWh was 3184 and kW was 8.6. The meter was also read for the month ending March 22 -- kWh was 3577 and kW was 11.9. The February kWh estimate (2860) appears to be underestimated because the January kWh read (3184) and March kWh read (3577) are both higher than the kWh February estimate. In addition, the February kW estimate of 8.7 appears reasonable based on the January kW read of 8.6 and March kW read of 11.9.

In addition, the February 1999 estimates appear reasonable (and probably underestimated) based on Read's historical reads. In February 1996, the actual read was 3510 kWh and 10.4 kW, both of which are higher than the February 1999 estimates of 2860 kWh and 8.7 kW. In February 1998, the actual read was 3148 kWh and 10.8 kW, and again, both of these figures are higher than the February 1999 estimates.

<sup>2</sup> The April 1999 kWh and kW estimates also appear reasonable. Both the April 1999 kWh estimate (3356) and kW estimate (10.2) are lower than the March 1999 kWh read (3577) and kW read (11.9). Since April is typically hotter than March, one would expect both kWh and kW to be higher in April than March, but the APS April estimates are lower than the known March usage amounts.

The April 1999 estimates also appears reasonable based on Read's account history. Read's April 1996 and April 1997 reads were also estimated. However, Read's April 1998 actual read was 3148 kWh and 10.8 kW, compared to the April 1999 estimate of 3356 kWh and 10.2 kW.

<sup>3</sup> The May 1999 estimate also appears reasonable based on Read's historical usage. Read's May 1996 read was estimated. In May 1997, however, her actual read was 4353 kWh and 15.9 kW. In May 1998, her actual read was 2178 kWh and 8.4 kW. The May 1999 estimates are in the middle range of the May 1997 and May 1998 actual reads.

In addition, the May 1999 kWh estimate of 3622 is only slightly higher than the March 1999 kWh read of 3577, and the May 1999 kW estimate of 11 is lower than the March 1999 kW read of 11.9.

<sup>4</sup> The June 1999 estimates were 4148 kWh and 12 kW. In June 1996, Read's actual read was 5188 kWh and 20.2 kW. In June 1997, the actual read was 5511 kWh and 19.8 kW. In June 1998, the actual read was 3945 kWh and 11.9 kW. Based on the actual meter in June 1996, 1997 and 1998, it appears that APS probably underestimated Ms. Read's kWh and kW in June 1999.

<sup>5</sup> Ms. Read also claims that the actual meter read on July 8, 1999, must have been inaccurate (kWh of 4416 and kW of 23.6). However, Read's historical usage demonstrates that there is no reason to believe this actual reading was inaccurate.

Read's July 1996 and 1998 reads were estimated. In July 1997, her actual read was 4519 kWh and kW of 13.6. In addition, there have been months during the summer period in which Read consumed similar or even larger amounts of kWh and kW. In August 1996, the actual read amounts were 12,567 kWh and 26.6 kW. In September 1996, Read's meter read was 7600 kWh

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and 23.3 kW. Both kWh and kW in August and September 1996 are significantly higher than the July 1999 estimates.

H

Installed Service - ELECTRIC - 139901283 - 18002 N 15 AVE PHOENIX

Installed Services Selected Print View Help

Meter Number is C87111

Meter Trail 393-19-09-3600

Next SA Window 02/23/2004 Thu 03/02/2004

Status	TOU	Source	Date	Begin	End	Billing Usage	Dmd Rdg	Bld C
BILLED		NORMA	10/25/2001	88684	90174	1,490.0	5,900	
BILLED		NORMA	09/25/2001	86235	88684	2,449.0	6,600	
BILLED		NORMA	08/24/2001	83628	86235	2,607.0	6,300	
BILLED		NORMA	07/26/2001	81019	83628	0.0	6,200	
BILLED		NORMA	06/28/2001	78735	81019	2,284.0	6,300	
BILLED		NORMA	05/29/2001	76744	78735	1,991.0	6,600	
BILLED		NORMA	04/26/2001	75328	76744	0.0	5,800	
BILLED	✓	OFFICE	03/28/2001	74407	75328	921.0	0,000	
BILLED	✓	OFFICE	02/27/2001	73495	74407	912.0	3,900	
BILLED	✓	AUTOM	01/25/2001	73019	73495	476.0	1,500	
BILLED	✓	AUTOM	12/27/2000	72491	73019	528.0	1,600	
BILLED	✓	AUTOM	11/27/2000	71874	72491	617.0	1,700	
BILLED		PROBE	10/25/2000	68984	71874	2,890.0	8,000	

Add Reading

☒ Hide Void/Cancelled

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General

Usage History

Ref'ship

Profile

85023, APS

N 15 AVE PHOENIX AZ

Meter # C87111, DN, NO

NUM

Start | [Icons] | [Inbox...] | [CIS W...] | [Site U...] | [Lowu...] | [Micros...] | [Custo...] | [Instal...]

[Icons] 9:18 AM